

and the rejection of claims 1-12, 15, 21, 22, 28, 29, 31, 35 and 37-39 as indefinite under 35 USC 112, second paragraph are noted.

In reply thereto, claims 1-19, 21-31, 34 and 36-39 have been amended so that the noted objection and rejection are now both moot. In the amendment to the noted claims, the comments made by the examiner on pages 2 and 3 of the Office Action were considered. The examiner will find that the indicated defects have been addressed and resolved.

There remains for consideration the rejection of claims 31-33 under 35 USC 102(e) by Gunther et al, the rejection of claims 1, 2, 7-10 and 34 under 35 USC 103(a) by Suzuki in view of Minowa, of claim 21 under 35 USC 103(a) over Suzuki in view of Minowa and Arakawa, and of claim 35 under 35 USC 103(a) over Gunther et al in view of Yamada.

Regarding claim 1, the detecting means claimed detects whether "the ink ribbon is present or absent in said receiving means...." What the detecting means detects is a characteristic indicative of movement of the ink ribbon to determine whether the ink ribbon is present or not. In Suzuki, and specifically Fig. 18, the sensor 318 detects the presence or absence of the tape 311. This is not the same as detecting "a characteristic indicative of movement of the ink ribbon..." In fact, the difference is quite substantial because according to the present invention the detection is used to control mode operation. No such teaching is found in Suzuki. Minowa is cited for its teaching of a tape cutter. The examiner recognizes that Minowa lacks the necessary teaching of a detecting means like that claimed so that a combination of Suzuki and Minowa cannot render claim 1 unpatentable under 35 USC 103.

Claim 2, like claim 1, also distinguishes over Suzuki and Minowa in its recitation of the unique detecting means.

Claims 7-10 depend from either claim 1 or claim 2, and as such also distinguish over Suzaki and Minowa.

Arakawa discloses an apparatus with means for detecting the presence or absence of a cassette not an ink ribbon. Arakawa, therefore, does not teach mode operation control the way it is disclosed and claimed in claim 1, and claim 21 which depends from claim 1.

Accordingly, claim 21 also patentably distinguishes over Suzaki, Minowa and Arakawa.

Regarding claim 31, a cassette is claimed in which markings on a reel are recited which are detected by means external to the cassette. In Günther the end of a ribbon is detected by either optically reading a mark on the inking ribbon or by monitoring the amount of ribbon on the supply, or take-up reel by identifying the position of an axle as an indicator for the approaching end of the ribbon. Here too, the difference is substantial in that according to the present invention the ink ribbon need not be marked at all, unlike Gunther.

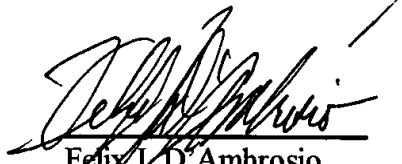
The cassette of claim 31 is therefore different from that of Gunther and this difference, it is respectfully submitted, patentably distinguishes claim 31 over Gunther.

Claims 32-35 depend from claim 31, and like claim 31, patentably differs from Gunther.

Finally, it is noted that the requirements regarding the drawings set forth in FORM PTO 948 will be addressed in due course.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 1-39 allowed as presently formulated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', is written over a horizontal line.

Felix J. D'Ambrosio

Reg. No. 25,721

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P.O. Box 2266 Eads Station
Arlington, VA 22202

Tel: (703) 415-1500
Fax: (703) 415-1508